

AMENDED IN ASSEMBLY AUGUST 9, 2004

AMENDED IN ASSEMBLY JULY 2, 2003

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 9, 2003

**SENATE BILL**

**No. 231**

**Introduced by ~~Senator~~ Senators Scott and Murray**  
(Coauthor: Assembly Member Koretz)

February 14, 2003

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~~An act to add Section 124982 to the Health and Safety Code, relating to hereditary disorders. An act to amend Sections 12073 and 12078 of, and to add Section 12081 to, the Penal Code, relating to firearms.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 231, as amended, ~~Murray—Scott. Hereditary disorders: Newborn Screening Advisory Committee—Firearms: entertainment firearms permit.~~

*Existing law generally regulates the possession and transfer of firearms.*

*This bill would establish an entertainment firearms permit, to be issued by the Department of Justice, authorizing the holder to possess firearms for use as props in motion picture, television, video, theatrical, or other entertainment productions. The bill would establish fees for application and renewal of the permit. This bill would make certain false statements on this permit application a misdemeanor.*

*By creating a new crime, this bill would impose a state-mandated local program.*

*The bill would also make other conforming technical changes exempting loans of unloaded firearms for use as props from specified requirements applicable to the transfer of firearms.*

*This bill would make other technical, nonsubstantive changes.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~The Hereditary Disorders Act requires, among other things, the Director of Health Services to establish any regulations and standards for hereditary disorders programs that the director deems necessary to promote and protect the public health and safety.~~

~~This bill would require the director to appoint a Newborn Screening Advisory Committee with members who meet specified qualifications.~~

~~This bill would require the committee to meet at least annually to review newborn screening programs and to report annually to the Legislature and the Governor on or before October 30 on specified topics.~~

~~This bill would authorize the department to apply for and receive federal and private funding to fund the committee's activities. This bill would provide that the committee shall operate exclusively from these funds, and shall only operate to the extent these funds are available.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1.—Section 124982 is added to the Health and~~
- 2     ~~SECTION 1. It is the intent of the Legislature to encourage~~
- 3     ~~safety while facilitating the appropriate use of firearms by the~~
- 4     ~~entertainment industry by enacting a special permit program that~~
- 5     ~~will simplify that use for persons who are properly screened. The~~
- 6     ~~Legislature finds and declares that the fees in subdivision (c) of~~
- 7     ~~Section 12081 of the Penal Code are set at a level that will cover~~
- 8     ~~only the costs of this program, and that any adjustment of the fees~~
- 9     ~~in the future shall provide only for the costs of the entertainment~~
- 10    ~~firearms permit program.~~
- 11    ~~SEC. 2. Section 12073 of the Penal Code is amended to read:~~

1 12073. (a) As required by the Department of Justice, every  
2 dealer shall keep a register or record of electronic or telephonic  
3 transfer in which shall be entered the information prescribed in  
4 Section 12077.

5 (b) This section shall not apply to any of the following  
6 transactions:

7 (1) The delivery, sale, or transfer of an unloaded firearm that  
8 is not a ~~pistol, revolver, or other firearm capable of being~~  
9 ~~concealed upon the person~~ *handgun* by a dealer to another dealer  
10 upon proof of compliance with the requirements of paragraph (1)  
11 of subdivision (f) of Section 12072.

12 (2) The delivery, sale, or transfer of an unloaded firearm by a  
13 dealer to another dealer if that firearm is intended as merchandise  
14 in the receiving dealer's business upon proof of compliance with  
15 the requirements of paragraph (1) of subdivision (f) of Section  
16 12072.

17 (3) The delivery, sale, or transfer of an unloaded firearm by a  
18 dealer to a person licensed as an importer or manufacturer pursuant  
19 to Chapter 44 (commencing with Section 921) of Title 18 of the  
20 United States Code and any regulations issued pursuant thereto.

21 (4) The delivery, sale, or transfer of an unloaded firearm by a  
22 dealer who sells, transfers, or delivers the firearm to a person who  
23 resides outside this state who is licensed pursuant to Chapter 44  
24 (commencing with Section 921) of Title 18 of the United States  
25 Code and any regulations issued pursuant thereto.

26 (5) The delivery, sale, or transfer of an unloaded firearm by a  
27 dealer to a wholesaler if that firearm is being returned to the  
28 wholesaler and is intended as merchandise in the wholesaler's  
29 business.

30 (6) The delivery, sale, or transfer of an unloaded firearm that  
31 is not a ~~pistol, revolver, or other firearm capable of being~~  
32 ~~concealed upon the person~~ *handgun* by a dealer to himself or  
33 herself.

34 (7) The loan of an unloaded firearm by a dealer who also  
35 operates a target facility which holds a business or regulatory  
36 license on the premises of the building designated in the license or  
37 whose building designated in the license is on the premises of any  
38 club or organization organized for the purpose of practicing  
39 shooting at targets upon established ranges, whether public or  
40 private, to a person at that target facility or club or organization,

1 if the firearm is kept at all times within the premises of the target  
2 range or on the premises of the club or organization.

3 (8) The delivery of an unloaded firearm by a dealer to a  
4 gunsmith for service or repair.

5 (9) The return of an unloaded firearm to the owner of that  
6 firearm by a dealer, if the owner initially delivered the firearm to  
7 the dealer for service or repair.

8 (10) *The loan of an unloaded firearm by a dealer to a person*  
9 *who possesses a valid entertainment firearms permit issued*  
10 *pursuant to Section 12081, for use solely as a prop in a motion*  
11 *picture, television, video, theatrical, or other entertainment*  
12 *production or event.*

13 (c) A violation of this section is a misdemeanor.

14 SEC. 3. *Section 12078 of the Penal Code is amended to read:*

15 12078. (a) (1) The waiting periods described in Sections  
16 12071, 12072, and 12084 shall not apply to deliveries, transfers,  
17 or sales of firearms made to persons properly identified as  
18 full-time paid peace officers as defined in Chapter 4.5  
19 (commencing with Section 830) of Title 3 of Part 2, provided that  
20 the peace officers are authorized by their employer to carry  
21 firearms while in the performance of their duties. Proper  
22 identification is defined as verifiable written certification from the  
23 head of the agency by which the purchaser or transferee is  
24 employed, identifying the purchaser or transferee as a peace  
25 officer who is authorized to carry firearms while in the  
26 performance of his or her duties, and authorizing the purchase or  
27 transfer. The certification shall be delivered to the dealer or local  
28 law enforcement agency acting pursuant to Section 12084 at the  
29 time of purchase or transfer and the purchaser or transferee shall  
30 identify himself or herself as the person authorized in the  
31 certification. The dealer or local law enforcement agency shall  
32 keep the certification with the record of sale, or LEFT, as the case  
33 may be. On the date that the delivery, sale, or transfer is made, the  
34 dealer delivering the firearm or the law enforcement agency  
35 processing the transaction pursuant to Section 12084 shall forward  
36 by prepaid mail to the Department of Justice a report of the  
37 transaction pursuant to subdivision (b) or (c) of Section 12077 or  
38 Section 12084. If electronic or telephonic transfer of applicant  
39 information is used, on the date that the application to purchase is  
40 completed, the dealer delivering the firearm shall transmit to the

1 Department of Justice an electronic or telephonic report of the  
2 transaction as is indicated in subdivision (b) or (c) of Section  
3 12077.

4 (2) Subdivision (b) of Section 12801 and the preceding  
5 provisions of this article do not apply to deliveries, transfers, or  
6 sales of firearms made to authorized law enforcement  
7 representatives of cities, counties, cities and counties, or state or  
8 federal governments for exclusive use by those governmental  
9 agencies if, prior to the delivery, transfer, or sale of these firearms,  
10 written authorization from the head of the agency authorizing the  
11 transaction is presented to the person from whom the purchase,  
12 delivery, or transfer is being made. Proper written authorization is  
13 defined as verifiable written certification from the head of the  
14 agency by which the purchaser or transferee is employed,  
15 identifying the employee as an individual authorized to conduct  
16 the transaction, and authorizing the transaction for the exclusive  
17 use of the agency by which he or she is employed. Within 10 days  
18 of the date a ~~pistol, revolver, or other firearm capable of being~~  
19 ~~concealed upon the person~~ handgun is acquired by the agency, a  
20 record of the same shall be entered as an institutional weapon into  
21 the Automated Firearms System (AFS) via the California Law  
22 Enforcement Telecommunications System (CLETS) by the law  
23 enforcement or state agency. Those agencies without access to  
24 AFS shall arrange with the sheriff of the county in which the  
25 agency is located to input this information via this system.

26 (3) Subdivision (b) of Section 12801 and the preceding  
27 provisions of this article do not apply to the loan of a firearm made  
28 by an authorized law enforcement representative of a city, county,  
29 or city and county, or the state or federal government to a peace  
30 officer employed by that agency and authorized to carry a firearm  
31 for the carrying and use of that firearm by that peace officer in the  
32 course and scope of his or her duties.

33 (4) Subdivision (b) of Section 12801 and the preceding  
34 provisions of this article do not apply to the delivery, sale, or  
35 transfer of a firearm by a law enforcement agency to a peace officer  
36 pursuant to Section 10334 of the Public Contract Code. Within 10  
37 days of the date that a ~~pistol, revolver, or other firearm capable of~~  
38 ~~being concealed upon the person~~ handgun is sold, delivered, or  
39 transferred pursuant to Section 10334 of the Public Contract Code  
40 to that peace officer, the name of the officer and the make, model,

1 serial number, and other identifying characteristics of the firearm  
2 being sold, transferred, or delivered shall be entered into the  
3 Automated Firearms System (AFS) via the California Law  
4 Enforcement Telecommunications System (CLETS) by the law  
5 enforcement or state agency that sold, transferred, or delivered the  
6 firearm. Those agencies without access to AFS shall arrange with  
7 the sheriff of the county in which the agency is located to input this  
8 information via this system.

9 (5) Subdivision (b) of Section 12801 and the preceding  
10 provisions of this article do not apply to the delivery, sale, or  
11 transfer of a firearm by a law enforcement agency to a retiring  
12 peace officer who is authorized to carry a firearm pursuant to  
13 Section 12027.1. Within 10 days of the date that a ~~pistol, revolver,~~  
14 ~~or other firearm capable of being concealed upon the person~~  
15 *handgun* is sold, delivered, or transferred to that retiring peace  
16 officer, the name of the officer and the make, model, serial number,  
17 and other identifying characteristics of the firearm being sold,  
18 transferred, or delivered shall be entered into the Automated  
19 Firearms System (AFS) via the California Law Enforcement  
20 Telecommunications System (CLETS) by the law enforcement or  
21 state agency that sold, transferred, or delivered the firearm. Those  
22 agencies without access to AFS shall arrange with the sheriff of the  
23 county in which the agency is located to input this information via  
24 this system.

25 (6) Subdivision (d) of Section 12072 and subdivision (b) of  
26 Section 12801 do not apply to sales, deliveries, or transfers of  
27 firearms to authorized representatives of cities, cities and counties,  
28 counties, or state or federal governments for those governmental  
29 agencies where the entity is acquiring the weapon as part of an  
30 authorized, voluntary program where the entity is buying or  
31 receiving weapons from private individuals. Any weapons  
32 acquired pursuant to this paragraph shall be disposed of pursuant  
33 to the applicable provisions of Section 12028 or 12032.

34 (7) Subdivision (d) of Section 12072 and subdivision (b) of  
35 Section 12801 shall not apply to the sale, loan, delivery, or transfer  
36 of a firearm made by an authorized law enforcement  
37 representative of a city, county, city and county, state, or the federal  
38 government to any public or private nonprofit historical society,  
39 museum, or institutional collection or the purchase or receipt of  
40 that firearm by that public or private nonprofit historical society,

1 museum, or institutional collection if all of the following  
2 conditions are met:

3 (A) The entity receiving the firearm is open to the public.

4 (B) The firearm prior to delivery is deactivated or rendered  
5 inoperable.

6 (C) The firearm is not subject to Section 12028, 12028.5,  
7 12030, or 12032.

8 (D) The firearm is not prohibited by other provisions of law  
9 from being sold, delivered, or transferred to the public at large.

10 (E) Prior to delivery, the entity receiving the firearm submits  
11 a written statement to the law enforcement representative stating  
12 that the firearm will not be restored to operating condition, and will  
13 either remain with that entity, or if subsequently disposed of, will  
14 be transferred in accordance with the applicable provisions of this  
15 article and, if applicable, Section 12801.

16 (F) Within 10 days of the date that the firearm is sold, loaned,  
17 delivered, or transferred to that entity, the name of the government  
18 entity delivering the firearm, and the make, model, serial number,  
19 and other identifying characteristics of the firearm and the name  
20 of the person authorized by the entity to take possession of the  
21 firearm shall be reported to the department in a manner prescribed  
22 by the department.

23 (G) In the event of a change in the status of the designated  
24 representative, the entity shall notify the department of a new  
25 representative within 30 days.

26 (8) Subdivision (d) of Section 12072 and subdivision (b) of  
27 Section 12801 shall not apply to the sale, loan, delivery, or transfer  
28 of a firearm made by any person other than a representative of an  
29 authorized law enforcement agency to any public or private  
30 nonprofit historical society, museum, or institutional collection if  
31 all of the following conditions are met:

32 (A) The entity receiving the firearm is open to the public.

33 (B) The firearm is deactivated or rendered inoperable prior to  
34 delivery.

35 (C) The firearm is not of a type prohibited from being sold,  
36 delivered, or transferred to the public.

37 (D) Prior to delivery, the entity receiving the firearm submits  
38 a written statement to the person selling, loaning, or transferring  
39 the firearm stating that the firearm will not be restored to operating  
40 condition, and will either remain with that entity, or if



1 subsequently disposed of, will be transferred in accordance with  
2 the applicable, provisions of this article and, if applicable Section  
3 12801.

4 (E) If title to a handgun is being transferred to the public or  
5 private nonprofit historical society, museum, or institutional  
6 collection, then the designated representative of that public or  
7 private historical society, museum or institutional collection  
8 within 30 days of taking possession of that handgun, shall forward  
9 by prepaid mail or deliver in person to the Department of Justice,  
10 a single report signed by both parties to the transaction, that  
11 includes information identifying the person representing that  
12 public or private historical society, museum, or institutional  
13 collection, how title was obtained and from whom, and a  
14 description of the firearm in question, along with a copy of the  
15 written statement referred to in subparagraph (D). The report  
16 forms that are to be completed pursuant to this paragraph shall be  
17 provided by the Department of Justice.

18 (F) In the event of a change in the status of the designated  
19 representative, the entity shall notify the department of a new  
20 representative within 30 days.

21 (b) (1) Section 12071, subdivisions (c) and (d) of Section  
22 12072, and subdivision (b) of Section 12801 shall not apply to  
23 deliveries, sales, or transfers of firearms between or to importers  
24 and manufacturers of firearms licensed to engage in that business  
25 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
26 of the United States Code and the regulations issued pursuant  
27 thereto.

28 (2) Subdivision (b) of Section 12801 shall not apply to the  
29 delivery, sale, or transfer of a handgun to a person licensed  
30 pursuant to Section 12071, where the licensee is receiving the  
31 handgun in the course and scope of his or her activities as a person  
32 licensed pursuant to Section 12071.

33 (c) (1) Subdivision (d) of Section 12072 shall not apply to the  
34 infrequent transfer of a firearm that is not a ~~pistol, revolver, or~~  
35 ~~other firearm capable of being concealed upon the person~~  
36 *handgun* by gift, bequest, intestate succession, or other means by  
37 one individual to another if both individuals are members of the  
38 same immediate family.

39 (2) Subdivision (d) of Section 12072 shall not apply to the  
40 infrequent transfer of a ~~pistol, revolver, or other firearm capable~~





1 ~~of being concealed upon the person~~ *handgun* by gift, bequest,  
2 intestate succession, or other means by one individual to another  
3 if both individuals are members of the same immediate family and  
4 both of the following conditions are met:

5 (A) The person to whom the firearm is transferred shall, within  
6 30 days of taking possession of the firearm, forward by prepaid  
7 mail or deliver in person to the Department of Justice, a report that  
8 includes information concerning the individual taking possession  
9 of the firearm, how title was obtained and from whom, and a  
10 description of the firearm in question. The report forms that  
11 individuals complete pursuant to this paragraph shall be provided  
12 to them by the Department of Justice.

13 ~~(B) If taking possession of the firearm prior to January 1, 2003,~~  
14 ~~the person taking title to the firearm shall first obtain a basic~~  
15 ~~firearms safety certificate. If taking possession on or after January~~  
16 ~~1, 2003, the~~ The person taking title to the firearm shall first obtain  
17 a handgun safety certificate.

18 (C) *The person receiving the firearm is 18 years of age or older.*

19 (3) As used in this subdivision, “immediate family member”  
20 means any one of the following relationships:

21 (A) Parent and child.

22 (B) Grandparent and grandchild.

23 (d) (1) Subdivision (d) of Section 12072 shall not apply to the  
24 infrequent loan of firearms between persons who are personally  
25 known to each other for any lawful purpose, if the loan does not  
26 exceed 30 days in duration and, when the firearm is a handgun,  
27 commencing January 1, 2003, the individual being loaned the  
28 handgun has a valid handgun safety certificate.

29 (2) Subdivision (d) of Section 12072, and subdivision (b) of  
30 Section 12801 shall not apply to the loan of a firearm where all of  
31 the following conditions exist:

32 (A) The person loaning the firearm is at all times within the  
33 presence of the person being loaned the firearm.

34 (B) The loan is for a lawful purpose.

35 (C) The loan does not exceed three days in duration.

36 (D) The individual receiving the firearm is not prohibited from  
37 owning or possessing a firearm pursuant to Section 12021 or  
38 12021.1 of this code, or by Section 8100 or 8103 of the Welfare  
39 and Institutions Code.

40 (E) The person loaning the firearm is 18 years of age or older.

1 (F) The person being loaned the firearm is 18 years of age or  
2 older.

3 (e) Section 12071, subdivisions (c) and (d) of Section 12072,  
4 and subdivision (b) of Section 12801 shall not apply to the delivery  
5 of a firearm to a gunsmith for service or repair, or to the return of  
6 the firearm to its owner by the gunsmith.

7 (f) Subdivision (d) of Section 12072 and subdivision (b) of  
8 Section 12801 shall not apply to the sale, delivery, or transfer of  
9 firearms by persons who reside in this state to persons who reside  
10 outside this state who are licensed pursuant to Chapter 44  
11 (commencing with Section 921) of Title 18 of the United States  
12 Code and the regulations issued pursuant thereto, if the sale,  
13 delivery, or transfer is in accordance with Chapter 44  
14 (commencing with Section 921) of Title 18 of the United States  
15 Code and the regulations issued pursuant thereto.

16 (g) (1) Subdivision (d) of Section 12072 shall not apply to the  
17 infrequent sale or transfer of a firearm, other than a ~~pistol,~~  
18 ~~revolver, or other firearm capable of being concealed upon the~~  
19 ~~person~~ *handgun*, at auctions or similar events conducted by  
20 nonprofit mutual or public benefit corporations organized  
21 pursuant to the Corporations Code.

22 As used in this paragraph, the term “infrequent” shall not be  
23 construed to prohibit different local chapters of the same nonprofit  
24 corporation from conducting auctions or similar events, provided  
25 the individual local chapter conducts the auctions or similar events  
26 infrequently. It is the intent of the Legislature that different local  
27 chapters, representing different localities, be entitled to invoke the  
28 exemption created by this paragraph, notwithstanding the  
29 frequency with which other chapters of the same nonprofit  
30 corporation may conduct auctions or similar events.

31 (2) Subdivision (d) of Section 12072 shall not apply to the  
32 transfer of a firearm other than a ~~pistol, revolver, or other firearm~~  
33 ~~capable of being concealed upon the person~~ *handgun*, if the  
34 firearm is donated for an auction or similar event described in  
35 paragraph (1) and the firearm is delivered to the nonprofit  
36 corporation immediately preceding, or contemporaneous with, the  
37 auction or similar event.

38 (3) The waiting period described in Sections 12071 and 12072  
39 shall not apply to a dealer who delivers a firearm other than a  
40 ~~pistol, revolver, or other firearm capable of being concealed upon~~

1 ~~the person, handgun~~ at an auction or similar event described in  
 2 paragraph (1), as authorized by subparagraph (C) of paragraph (1)  
 3 of subdivision (b) of Section 12071. Within two business days of  
 4 completion of the application to purchase, the dealer shall forward  
 5 by prepaid mail to the Department of Justice a report of the same  
 6 as is indicated in subdivision (c) of Section 12077. If the electronic  
 7 or telephonic transfer of applicant information is used, within two  
 8 business days of completion of the application to purchase, the  
 9 dealer delivering the firearm shall transmit to the Department of  
 10 Justice an electronic or telephonic report of the same as is indicated  
 11 in subdivision (c) of Section 12077.

12 (h) Subdivision (d) of Section 12072 and subdivision (b) of  
 13 Section 12801 shall not apply to the loan of a firearm to a person  
 14 18 years of age or older for the purposes of shooting at targets if  
 15 the loan occurs on the premises of a target facility that holds a  
 16 business or regulatory license or on the premises of any club or  
 17 organization organized for the purposes of practicing shooting at  
 18 targets upon established ranges, whether public or private, if the  
 19 firearm is at all times kept within the premises of the target range  
 20 or on the premises of the club or organization.

21 (i) (1) Subdivision (d) of Section 12072 shall not apply to a  
 22 person who takes title or possession of a firearm that is not a ~~pistol,~~  
 23 ~~revolver, or other firearm capable of being concealed upon the~~  
 24 ~~person handgun~~ by operation of law if the person is not prohibited  
 25 by Section 12021 or 12021.1 of this code or Section 8100 or 8103  
 26 of the Welfare and Institutions Code from possessing firearms.

27 (2) Subdivision (d) of Section 12072 shall not apply to a person  
 28 who takes title or possession of a ~~pistol, revolver, or other firearm~~  
 29 ~~capable of being concealed upon the person handgun~~ by operation  
 30 of law if the person is not prohibited by Section 12021 or 12021.1  
 31 of this code or Section 8100 or 8103 of the Welfare and Institutions  
 32 Code from possessing firearms and all of the following conditions  
 33 are met:

34 (A) If the person taking title or possession is neither a levying  
 35 officer as defined in Section 481.140, 511.060, or 680.210 of the  
 36 Code of Civil Procedure, nor a person who is receiving that firearm  
 37 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of  
 38 subdivision (u), the person shall, within 30 days of taking  
 39 possession, forward by prepaid mail or deliver in person to the  
 40 Department of Justice, a report of information concerning the

1 individual taking possession of the firearm, how title or possession  
2 was obtained and from whom, and a description of the firearm in  
3 question. The reports that individuals complete pursuant to this  
4 paragraph shall be provided to them by the department.

5 (B) If the person taking title or possession is receiving the  
6 firearm pursuant to subparagraph (G) of paragraph (2) of  
7 subdivision (u), the person shall do both of the following:

8 (i) Within 30 days of taking possession, forward by prepaid  
9 mail or deliver in person to the department, a report of information  
10 concerning the individual taking possession of the firearm, how  
11 title or possession was obtained and from whom, and a description  
12 of the firearm in question. The reports that individuals complete  
13 pursuant to this paragraph shall be provided to them by the  
14 department.

15 (ii) Prior to taking title or possession of the firearm, ~~if title or~~  
16 ~~possession is taken prior to January 1, 2003, the person shall either~~  
17 ~~obtain a basic firearms safety certificate or be exempt from~~  
18 ~~obtaining a basic firearms safety certificate pursuant to Section~~  
19 ~~12081. Prior to taking title or possession of the firearm, if title or~~  
20 ~~possession is taken on or after January 1, 2003, the person shall~~  
21 obtain a handgun safety certificate.

22 (C) Where the person receiving title or possession of the ~~pistol,~~  
23 ~~revolver, or other firearm capable of being concealed upon the~~  
24 ~~person~~ handgun is a person described in subparagraph (I) of  
25 paragraph (2) of subdivision (u), on the date that the person is  
26 delivered the firearm, the name and other information concerning  
27 the person taking possession of the firearm, how title or possession  
28 of the firearm was obtained and from whom, and a description of  
29 the firearm by make, model, serial number, and other identifying  
30 characteristics, shall be entered into the Automated Firearms  
31 System (AFS) via the California Law Enforcement  
32 Telecommunications System (CLETS) by the law enforcement or  
33 state agency that transferred or delivered the firearm. Those  
34 agencies without access to AFS shall arrange with the sheriff of the  
35 county in which the agency is located to input this information via  
36 this system.

37 (D) Where the person receiving title or possession of the ~~pistol,~~  
38 ~~revolver, or other firearm capable of being concealed upon the~~  
39 ~~person~~ handgun is a person described in subparagraph (J) of  
40 paragraph (2) of subdivision (u), on the date that the person is

delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics, shall be entered into the AFS via the CLETS by the law enforcement or state agency that transferred or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system. In addition, that law enforcement agency shall not deliver that ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* to the person referred to in this subparagraph if ~~delivery takes place prior to January 1, 2003,~~ unless, prior to the delivery of the same, the person presents proof to the agency that he or she is the holder of a ~~basic firearms safety certificate or is exempt from obtaining a basic firearms safety certificate pursuant to Section 12081, or, commencing January 1, 2003, is the holder of a handgun safety certificate.~~

(3) Subdivision (d) of Section 12072 shall not apply to a person who takes possession of a firearm by operation of law in a representative capacity who subsequently transfers ownership of the firearm to himself or herself in his or her individual capacity. In the case of a ~~pistol, revolver, or other firearm capable of being concealed upon the person, on and after April 1, 1994, and until January 1, 2003, that individual shall have a basic firearms safety certificate in order for the exemption set forth in this paragraph to apply. Commencing January 1, 2003, the exemption shall not apply, and~~ *handgun*, the individual shall obtain a handgun safety certificate prior to transferring ownership to himself or herself, or taking possession of a handgun in an individual capacity.

(j) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to deliveries, transfers, or returns of firearms made pursuant to Section 12028, 12028.5, or 12030.

(k) Section 12071, subdivision (c) of Section 12072, and subdivision (b) of Section 12801 shall not apply to any of the following:

(1) The delivery, sale, or transfer of unloaded firearms that are ~~not pistols, revolvers, or other firearms capable of being concealed upon the person~~ *handguns* by a dealer to another dealer upon proof

1 of compliance with the requirements of paragraph (1) of  
2 subdivision (f) of Section 12072.

3 (2) The delivery, sale, or transfer of unloaded firearms by  
4 dealers to persons who reside outside this state who are licensed  
5 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
6 of the United States Code and the regulations issued pursuant  
7 thereto.

8 (3) The delivery, sale, or transfer of unloaded firearms to a  
9 wholesaler if the firearms are being returned to the wholesaler and  
10 are intended as merchandise in the wholesaler's business.

11 (4) The delivery, sale, or transfer of unloaded firearms by one  
12 dealer to another dealer if the firearms are intended as merchandise  
13 in the receiving dealer's business upon proof of compliance with  
14 the requirements of paragraph (1) of subdivision (f) of Section  
15 12072.

16 (5) The delivery, sale, or transfer of an unloaded firearm that  
17 is not a ~~pistol, revolver, or other firearm capable of being~~  
18 ~~concealed upon the person~~ *handgun* by a dealer to himself or  
19 herself.

20 (6) The loan of an unloaded firearm by a dealer who also  
21 operates a target facility that holds a business or regulatory license  
22 on the premises of the building designated in the license or whose  
23 building designated in the license is on the premises of any club or  
24 organization organized for the purposes of practicing shooting at  
25 targets upon established ranges, whether public or private, to a  
26 person at that target facility or that club or organization, if the  
27 firearm is at all times kept within the premises of the target range  
28 or on the premises of the club or organization.

29 (l) A person who is exempt from subdivision (d) of Section  
30 12072 or is otherwise not required by law to report his or her  
31 acquisition, ownership, or disposal of a ~~pistol, revolver, or other~~  
32 ~~firearm capable of being concealed upon the person~~ *handgun* or  
33 who moves out of this state with his or her ~~pistol, revolver, or other~~  
34 ~~firearm capable of being concealed upon the person~~ *handgun* may  
35 submit a report of the same to the Department of Justice in a format  
36 prescribed by the department.

37 (m) Subdivision (d) of Section 12072 and subdivision (b) of  
38 Section 12801 shall not apply to the delivery, sale, or transfer of  
39 unloaded firearms to a wholesaler as merchandise in the  
40 wholesaler's business by manufacturers or importers licensed to



engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, or by another wholesaler, if the delivery, sale, or transfer is made in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(n) (1) The waiting period described in Section 12071 or 12072 shall not apply to the delivery, sale, or transfer of a ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ handgun by a dealer in either of the following situations:

(A) The dealer is delivering the firearm to another dealer and it is not intended as merchandise in the receiving dealer's business.

(B) The dealer is delivering the firearm to himself or herself and it is not intended as merchandise in his or her business.

(2) In order for this subdivision to apply, both of the following shall occur:

(A) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that he or she is licensed pursuant to Section 12071 by complying with paragraph (1) of subdivision (f) of Section 12072.

(B) Whether the dealer is delivering, selling, or transferring the firearm to himself or herself or to another dealer, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077. Where the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077.

(o) Section 12071 and subdivisions (c) and (d) of Section 12072 shall not apply to the delivery, sale, or transfer of firearms regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2



1 (commencing with Section 12200), or Chapter 2.3 (commencing  
2 with Section 12275).

3 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of  
4 Section 12072 shall not apply to the loan of a firearm that is not  
5 a ~~pistol, revolver, or other firearm capable of being concealed upon~~  
6 ~~the person~~ *handgun* to a minor, with the express permission of the  
7 parent or legal guardian of the minor, if the loan does not exceed  
8 30 days in duration and is for a lawful purpose.

9 (2) Paragraph (3) of subdivision (a) of Section 12072,  
10 subdivision (d) of Section 12072, and subdivision (b) of Section  
11 12801 shall not apply to the loan of a ~~pistol, revolver, or other~~  
12 ~~firearm capable of being concealed upon the person~~ *handgun* to a  
13 minor by a person who is not the parent or legal guardian of the  
14 minor if all of the following circumstances exist:

15 (A) The minor has the written consent of his or her parent or  
16 legal guardian that is presented at the time of, or prior to the time  
17 of, the loan, or is accompanied by his or her parent or legal  
18 guardian at the time the loan is made.

19 (B) The minor is being loaned the firearm for the purpose of  
20 engaging in a lawful, recreational sport, including, but not limited  
21 to, competitive shooting, or agricultural, ranching, or hunting  
22 activity, or a motion picture, television, or video production, or  
23 entertainment or theatrical event, the nature of which involves the  
24 use of a firearm.

25 (C) The duration of the loan does not exceed the amount of time  
26 that is reasonably necessary to engage in the lawful, recreational  
27 sport, including, but not limited to, competitive shooting, or  
28 agricultural, ranching, or hunting activity, or a motion picture,  
29 television, or video production, or entertainment or theatrical  
30 event, the nature of which involves the use of a firearm.

31 (D) The duration of the loan does not, in any event, exceed 10  
32 days.

33 (3) Paragraph (3) of subdivision (a), *and* subdivision (d), of  
34 Section 12072, and subdivision (b) of Section 12801 shall not  
35 apply to the loan of a ~~pistol, revolver, or other firearm capable of~~  
36 ~~being concealed upon the person~~ *handgun* to a minor by his or her  
37 parent or legal guardian if both of the following circumstances  
38 exist:

39 (A) The minor is being loaned the firearm for the purposes of  
40 engaging in a lawful, recreational sport, including, but not limited

1 to, competitive shooting, or agricultural, ranching, or hunting  
2 activity, or a motion picture, television, or video production, or  
3 entertainment or theatrical event, the nature of which involves the  
4 use of a firearm.

5 (B) The duration of the loan does not exceed the amount of time  
6 that is reasonably necessary to engage in the lawful, recreational  
7 sport, including, but not limited to, competitive shooting, or  
8 agricultural, ranching, or hunting activity, or a motion picture,  
9 television, or video production, or entertainment or theatrical  
10 event, the nature of which involves the use of a firearm.

11 (4) Paragraph (3) of subdivision (a), *and subdivision (d)*, of  
12 Section 12072 shall not apply to the transfer or loan of a firearm  
13 that is not a ~~pistol, revolver, or other firearm capable of being~~  
14 ~~concealed upon the person~~ *handgun* to a minor by his or her parent  
15 or legal guardian.

16 (5) Paragraph (3) of subdivision (a), *and subdivision (d)*, of  
17 Section 12072 shall not apply to the transfer or loan of a firearm  
18 that is not a ~~pistol, revolver, or other firearm capable of being~~  
19 ~~concealed upon the person~~ *handgun* to a minor by his or her  
20 grandparent who is not the legal guardian of the minor if the  
21 transfer is done with the express permission of the parent or legal  
22 guardian of the minor.

23 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of  
24 Section 12072 shall not apply to the sale of a handgun if both of  
25 the following requirements are satisfied:

26 (A) The sale is to a person who is at least 18 years of age.

27 (B) The firearm is an antique firearm as defined in paragraph  
28 (16) of subsection (a) of Section 921 of Title 18 of the United  
29 States Code.

30 (q) Subdivision (d) of Section 12072 shall not apply to the loan  
31 of a firearm that is not a ~~pistol, revolver, or other firearm capable~~  
32 ~~of being concealed upon the person~~ *handgun* to a licensed hunter  
33 for use by that licensed hunter for a period of time not to exceed  
34 the duration of the hunting season for which that firearm is to be  
35 used.

36 (r) The waiting period described in Section 12071, 12072, or  
37 12084 shall not apply to the delivery, sale, or transfer of a firearm  
38 to the holder of a special weapons permit issued by the Department  
39 of Justice issued pursuant to Section 12095, 12230, 12250, or  
40 12305. On the date that the application to purchase is completed,

1 the dealer delivering the firearm or the law enforcement agency  
2 processing the transaction pursuant to Section 12084, shall  
3 forward by prepaid mail to the Department of Justice a report of  
4 the same as described in subdivision (b) or (c) of Section 12077 or  
5 Section 12084. If the electronic or telephonic transfer of applicant  
6 information is used, on the date that the application to purchase is  
7 completed, the dealer delivering the firearm shall transmit to the  
8 Department of Justice an electronic or telephonic report of the  
9 same as is indicated in subdivision (b) or (c) of Section 12077.

10 ~~(s) Subdivision (d) of Section 12072 and subdivision (b) of~~  
11 ~~Section 12801 shall not apply to the loan of an unloaded firearm~~  
12 ~~or the loan of a firearm loaded with blank cartridges, to a person~~  
13 ~~18 years of age or older, for use solely as a prop for a motion~~  
14 ~~picture, television, or video production or an entertainment or~~  
15 ~~theatrical event.~~

16 *(s) (1) Subdivision (d) of Section 12072 and subdivision (b) of*  
17 *Section 12801 shall not apply to the infrequent loan of an unloaded*  
18 *firearm by a person who is neither a dealer as defined in Section*  
19 *12071 nor a federal firearms licensee pursuant to Chapter 44 of*  
20 *Title 18 of the United States Code, to a person 18 years of age or*  
21 *older for use solely as a prop in a motion picture, television, video,*  
22 *theatrical, or other entertainment production or event.*

23 *(2) Subdivision (d), and paragraph (1) of subdivision (f), of*  
24 *Section 12072, and subdivision (b) of Section 12801 shall not*  
25 *apply to the loan of an unloaded firearm by a person who is not a*  
26 *dealer as defined in Section 12071 but who is a federal firearms*  
27 *licensee pursuant to Chapter 44 of Title 18 of the United States*  
28 *Code, to a person who possesses a valid entertainment firearms*  
29 *permit issued pursuant to Section 12081, for use solely as a prop*  
30 *in a motion picture, television, video, theatrical, or other*  
31 *entertainment production or event. The person loaning the firearm*  
32 *pursuant to this paragraph shall retain a photocopy of the*  
33 *entertainment firearms permit as proof of compliance with this*  
34 *requirement.*

35 *(3) Subdivision (b) of Section 12071, subdivision (c) of, and*  
36 *paragraph (1) of subdivision (f) of, Section 12072, and subdivision*  
37 *(b) of Section 12801 shall not apply to the loan of an unloaded*  
38 *firearm by a dealer as defined in Section 12071, to a person who*  
39 *possesses a valid entertainment firearms permit issued pursuant to*  
40 *Section 12081, for use solely as a prop in a motion picture,*

1 *television, video, theatrical, or other entertainment production or*  
 2 *event. The dealer shall retain a photocopy of the entertainment*  
 3 *firearms permit as proof of compliance with this requirement.*

4 (t) (1) The waiting period described in Sections 12071, 12072,  
 5 and 12084 shall not apply to the sale, delivery, loan, or transfer of  
 6 a firearm that is a curio or relic, as defined in Section ~~178.11~~ 478.11  
 7 of Title 27 of the Code of Federal Regulations, *or its successor*, by  
 8 a dealer or through a law enforcement agency to a person who is  
 9 licensed as a collector pursuant to Chapter 44 (commencing with  
 10 Section 921) of Title 18 of the United States Code and the  
 11 regulations issued pursuant thereto who has a current certificate of  
 12 eligibility issued to him or her by the Department of Justice  
 13 pursuant to Section 12071. On the date that the delivery, sale, or  
 14 transfer is made, the dealer delivering the firearm or the law  
 15 enforcement agency processing the transaction pursuant to  
 16 Section 12084, shall forward by prepaid mail to the Department  
 17 of Justice a report of the transaction pursuant to subdivision (b) of  
 18 Section 12077 or Section 12084. If the electronic or telephonic  
 19 transfer of applicant information is used, on the date that the  
 20 application to purchase is completed, the dealer delivering the  
 21 firearm shall transmit to the Department of Justice an electronic or  
 22 telephonic report of the transaction as is indicated in subdivision  
 23 (b) or (c) of Section 12077.

24 (2) Subdivision (d) of Section 12072 shall not apply to the  
 25 infrequent sale, loan, or transfer of a firearm that is not a ~~pistol,~~  
 26 ~~revolver, or other firearm capable of being concealed upon the~~  
 27 ~~person~~ *handgun*, which is a curio or relic manufactured at least 50  
 28 years prior to the current date, but not including replicas thereof,  
 29 as defined in Section ~~178.11~~ 478.11 of Title 27 of the Code of  
 30 Federal Regulations, *or its successor*.

31 (u) As used in this section:

32 (1) “Infrequent” has the same meaning as in paragraph (1) of  
 33 subdivision (c) of Section 12070.

34 (2) “A person taking title or possession of firearms by  
 35 operation of law” includes, but is not limited to, any of the  
 36 following instances wherein an individual receives title to, or  
 37 possession of, firearms:

38 (A) The executor or administrator of an estate if the estate  
 39 includes firearms.

1 (B) A secured creditor or an agent or employee thereof when  
2 the firearms are possessed as collateral for, or as a result of, a  
3 default under a security agreement under the Commercial Code.

4 (C) A levying officer, as defined in Section 481.140, 511.060,  
5 or 680.260 of the Code of Civil Procedure.

6 (D) A receiver performing his or her functions as a receiver if  
7 the receivership estate includes firearms.

8 (E) A trustee in bankruptcy performing his or her duties if the  
9 bankruptcy estate includes firearms.

10 (F) An assignee for the benefit of creditors performing his or  
11 her functions as an assignee, if the assignment includes firearms.

12 (G) A transmutation of property consisting of firearms  
13 pursuant to Section 850 of the Family Code.

14 (H) Firearms passing to a surviving spouse pursuant to Chapter  
15 1 (commencing with Section 13500) of Part 2 of Division 8 of the  
16 Probate Code.

17 (I) Firearms received by the family of a police officer or deputy  
18 sheriff from a local agency pursuant to Section 50081 of the  
19 Government Code.

20 (J) The transfer of a firearm by a law enforcement agency to the  
21 person who found the firearm where the delivery is to the person  
22 as the finder of the firearm pursuant to Article 1 (commencing with  
23 Section 2080) of Chapter 4 of Division 3 of the Civil Code.

24 *SEC. 4. Section 12081 is added to the Penal Code, to read:*

25 *12081. (a) Any person who is at least 21 years of age may*  
26 *apply for an entertainment firearms permit from the Department*  
27 *of Justice that authorizes the permit holder to possess firearms*  
28 *loaned to him or her for use solely as a prop in a motion picture,*  
29 *television, video, theatrical, or other entertainment production or*  
30 *event. Upon receipt of an initial or renewal application submitted*  
31 *as specified in subdivision (b), the department shall examine its*  
32 *records, records the department is authorized to request from the*  
33 *State Department of Mental Health pursuant to Section 8104 of the*  
34 *Welfare and Institutions Code, and records of the National Instant*  
35 *Criminal Background Check System as described in subsection (t)*  
36 *of Section 922 of Title 18 of the United States Code, in order to*  
37 *determine if the applicant is prohibited from possessing or*  
38 *receiving firearms. The department shall issue an entertainment*  
39 *firearms permit only if the records indicate that the applicant is not*

1 *prohibited from possessing or receiving firearms pursuant to any*  
2 *federal, state, or local law.*

3 *(b) (1) Requests for entertainment firearms permits shall be*  
4 *made on application forms prescribed by the Department of*  
5 *Justice that requires applicant information, including but not*  
6 *limited to the following:*

7 *(A) Complete name.*

8 *(B) Residential and mailing address.*

9 *(C) Telephone number.*

10 *(D) Date of birth.*

11 *(E) Place of birth.*

12 *(F) Country of citizenship and, if other than United States,*  
13 *alien number or admission number.*

14 *(G) Valid driver's license number or valid identification card*  
15 *number issued by the California Department of Motor Vehicles.*

16 *(H) Social security number.*

17 *(I) Signature.*

18 *(2) All applications must be submitted with the appropriate fee*  
19 *as specified in subdivision (c).*

20 *(3) Initial applications for an entertainment firearms permit*  
21 *shall require the submission of fingerprint images and related*  
22 *information in a manner prescribed by the department, for the*  
23 *purpose of obtaining information as to the existence and nature of*  
24 *a record of state or federal level convictions and state or federal*  
25 *level arrests for which the department establishes that the*  
26 *individual was released on bail or on his or her own recognizance*  
27 *pending trial as needed to determine whether the applicant may be*  
28 *issued the permit. Requests for federal level criminal offender*  
29 *record information received by the Department of Justice pursuant*  
30 *to this section shall be forwarded by the department to the Federal*  
31 *Bureau of Investigation.*

32 *(4) The Department of Justice shall review the criminal*  
33 *offender record information specified in subdivision (l) of Section*  
34 *11105 for entertainment firearms permit applicants.*

35 *(5) The Department of Justice shall review subsequent arrests,*  
36 *pursuant to Section 11105.2, to determine the continuing validity*  
37 *of the permit as specified in subdivision (d) for all entertainment*  
38 *firearms permitholders.*

39 *(6) Any person who furnishes a fictitious name or address or*  
40 *knowingly furnishes any incorrect information or knowingly omits*



1 any information required to be provided on this application is  
2 guilty of a misdemeanor.

3 (c) (1) The Department of Justice shall recover the full costs of  
4 administering the program by assessing the following application  
5 fees:

6 (A) For the initial application: one hundred four dollars  
7 (\$104). Of this sum, fifty-six dollars (\$56) shall be deposited into  
8 the Fingerprint Fee Account, and forty-eight dollars (\$48) shall  
9 be deposited into the Dealer Record of Sale Account.

10 (B) For each annual renewal application: twenty-nine dollars  
11 (\$29), which shall be deposited into the Dealer Record of Sale  
12 Account.

13 (2) Beginning July 1, 2006, the department shall set the fees  
14 specified in paragraph (1) at a level that will cover the actual costs  
15 of the permit program provided for by this section.

16 (d) An entertainment firearms permit issued by the Department  
17 of Justice shall be valid for one year from the date of issuance. If  
18 at any time during that year the permit holder becomes prohibited  
19 from possessing or receiving firearms pursuant to any federal,  
20 state, or local law, his or her entertainment firearms permit shall  
21 be no longer valid.

22 SEC. 5. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

31 ~~Safety Code, to read:~~

32 ~~124982. — (a) The director shall appoint a Newborn Screening~~  
33 ~~Advisory Committee and establish rotating terms of service for the~~  
34 ~~committee members.~~

35 ~~(b) The committee shall consist of one or more individuals~~  
36 ~~affected by a genetic disorder or parents of individuals affected by~~  
37 ~~a genetic disorder; advocates for women and childbirth issues;~~  
38 ~~health care providers specializing in clinical genetics, pediatrics,~~  
39 ~~obstetrics, molecular biology, cytogenetics, bioethics and~~  
40 ~~biochemical genetics; representatives of hospital administration;~~



1 ~~the insurance industry, the biotechnology industry, and genetic~~  
2 ~~counseling; and professional organizations representing~~  
3 ~~physicians and registered nurses.~~

4 ~~(c) The committee shall meet at least annually and shall review~~  
5 ~~newborn screening programs conducted under the Hereditary~~  
6 ~~Disorders Act, and report to the Legislature and the Governor~~  
7 ~~annually on or before October 30 with respect to all of the~~  
8 ~~following:~~

9 ~~(1) The availability and utilization of newborn screening.~~

10 ~~(2) The quality of services provided.~~

11 ~~(3) The cost and funding of services.~~

12 ~~(4) The need to discontinue or add additional services or~~  
13 ~~improve the quality, quantity, or distribution of services, or~~  
14 ~~provider reimbursement.~~

15 ~~(d) Committee staff shall include at least one full-time position.~~

16 ~~(e) The department may apply for and accept federal funds for~~  
17 ~~the purpose of funding the activities of the committee. In addition,~~  
18 ~~the department may accept gifts and donations from any source,~~  
19 ~~including individuals, philanthropic foundations or organizations,~~  
20 ~~corporations, or corporate endowments that meet the requirements~~  
21 ~~of subdivision (f). The acceptance and use of federal funds or~~  
22 ~~private funds may not entail any commitment or pledge of state~~  
23 ~~funds, nor obligate the department to continue the programs or~~  
24 ~~activities for which the federal or private funds are made available.~~  
25 ~~The committee shall operate exclusively from private and federal~~  
26 ~~funding and shall only operate to the extent these funds are~~  
27 ~~available.~~

28 ~~(f) (1) Funding for the committee shall not be provided by any~~  
29 ~~person or business entity that is involved in providing products or~~  
30 ~~services associated with newborn screening if it is reasonably~~  
31 ~~foreseeable that a change in state policy regarding newborn~~  
32 ~~screening would have a material financial effect, distinguishable~~  
33 ~~from its effect on the public generally, on the person or entity.~~

34 ~~(2) For purposes of this subdivision, the following definitions~~  
35 ~~apply:~~

36 ~~(A) "Business entity" includes a director, officer, partner,~~  
37 ~~trustee, employee, manager, or consultant of the business entity.~~

- 1     ~~(B) “Person” includes an individual, or a member of his or her~~
- 2     ~~immediate family.~~

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